

## REMARKS

By the above amendment, the title of the invention has been amended to be more clearly indicative of the claimed invention, and claim 1 has been amended to clarify features thereof, as will be discussed below.

With regard to the objection to the drawings, Fig. 20 has been amended to show that reference character 8 is directed to a different structural element than reference character 6 and, further, Fig. 6 has been amended to correct reference character designations therein, with replacement sheets for Figs. 20 and 6 being presented. More particularly, Fig. 20 has been amended to show in cross-section that the branch line 8 is a separate structure from that of the control electrode line 6, and Fig. 6 has been amended to more properly show glass substrates 2 and 11 of the electron beam source panel 1 and the phosphor screen panel 10, respectively. Thus, Fig. 6, as amended, clearly shows the feature that the partition walls 5 each have one end in contact with a second panel-side surface 2 of the control electrode 7, noting that the control electrode 7 is provided on the substrate 2. As such, applicants submit that the drawing objections should now be overcome.

Turning to the amendments of claim 1, claim 1 has been amended to more clearly recite the feature, as illustrated in Figs. 2(a) and 2(b) of the drawings, for example, that the cathodes 4 and the control electrodes 7 have surfaces which are arranged on the first panel (the substrate 2 of the electron source panel 1) so as to lie in a first flat cross-sectional plane which is parallel to a surface of the second panel having phosphors (substrate 11 of the phosphor screen panel 10, as shown in Fig. 6), and that the control electrode lines 6 have surfaces which are arranged so as to lie in a second cross-sectional plane which differs from and is spaced from the first cross-sectional plane. More particularly, as described in the paragraph at page 11,

lines 11 - 21 of the specification, "on the electron beam source panel 1, the cathodes 4 and the control electrode 7 are arranged such that, out of flat cross-sectional plane which are parallel to the phosphor screen panel 10, a cross-sectional plane which is brought into contact with the cathodes 4 and the control electrode 7 is present, and a cross-sectional plane including the control electrode line 6 is formed different from the cross-sectional plane which is brought into contact with the cathodes 4 and the control electrode 7. That is, in this embodiment, as shown in Fig. 2(a), the surfaces of the control electrode 7 and the cathodes 4 are arranged substantially coplanar with each other, while the control electrode lines 6 are configured to be in a plane different from the plane including the above-mentioned control electrode 7 and the cathodes 4". Thus, claim 1, as amended, now clearly recites the features as described in the specification of this application.

As to the rejection of claim 1 under 35 USC 102(b) as being anticipated by Murata et al (US Patent 4, 769,575; hereinafter Murata); the rejection of claims 1 - 3, 6 and 7 under 35 USC 102(b) as being anticipated by Nakamoto et al (US Patent Application Publication 2000/0025962); and the rejection of claims 4 and 5 under 35 USC 103(a) as being unpatentable over Nakamoto further in view of Murata; such rejections are traversed insofar as they are applicable to the present claims and reconsideration and withdrawal of the rejections are respectfully requested.

As to the requirements to support a rejection under 35 USC 102, reference is made to the decision of In re Robertson, 49 USPQ 2d 1949 (Fed. Cir. 1999), wherein the court pointed out that anticipation under 35 U.S.C. §102 requires that each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. As noted by the court, if the prior art reference does not expressly set forth a particular element of the claim, that

reference still may anticipate if the element is "inherent" in its disclosure. To establish inherency, the extrinsic evidence "must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Moreover, the court pointed out that inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.

With regard to the requirements to support a rejection under 35 USC 103, reference is made to the decision of In re Fine, 5 USPQ 2d 1596 (Fed. Cir. 1988), wherein the court pointed out that the PTO has the burden under '103 to establish a prima facie case of obviousness and can satisfy this burden only by showing some objective teaching in the prior art or that knowledge generally available to one of ordinary skill in the art would lead that individual to combine the relevant teachings of the references. As noted by the court, whether a particular combination might be "obvious to try" is not a legitimate test of patentability and obviousness cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination. As further noted by the court, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.

Turning to Murata et al, as noted by the Examiner, this patent discloses in Figs. 2 and 3, a first panel (11) having cathodes (2) and control electrodes (5). The Examiner contends that "the cathodes and the control electrodes are arranged on the first panel in a first flat cross-sectional plane...". (emphasis added) Irrespective of this position by the Examiner, as noted above, claim 1 has been amended to

clarify the fact that surfaces of the cathodes and the control electrodes lie in the same plane which is a flat cross-sectional plane which is parallel to a surface of an opposing panel. Looking to Figs. 2 and 3 of Murata et al, it is readily apparent that the cathodes 2 and the control electrodes 5 are separated from one another in a vertical direction by vertical convergence electrodes 3 and 3' and vertical deflection electrodes 4. Thus, it is apparent that surfaces of the cathodes 2 and surfaces of the control electrodes 5 of Murata et al are not arranged so as to lie in a first flat cross-sectional plane which is parallel to a surface of the second panel having phosphors, as represented by a surface of the anode 9 or glass substrate 10. Thus, applicants submit that claim 1, as amended, patentably distinguishes over Murata et al in the sense of 35 USC 102, and that it cannot be considered obvious in the sense of 35 USC 103, based upon the disclosure of Murata et al to provide the claimed features as disclosed in this application. Accordingly, applicants submit that claim 1 and therewith the dependent claims patentably distinguish over Murata et al and should be considered allowable thereover.

With respect to Nakamoto, the Examiner refers to Fig. 7, noting that such figure illustrates a first panel (51) having cathodes (52) and control electrodes(54), as well as a second panel (61) having phosphors (65). Irrespective of the contentions by the Examiner, as illustrated in Fig. 7, and as described in paragraph [0090] with reference to Fig. 6A, "a cathode line 52 is formed on a glass substrate (support substrate 51) following this, an insulation layer 53 made up of SiO<sub>2</sub> or SiN or the like is formed on the glass substrate 51 and the cathode line 52 and further a gate electrode layer 54 made of conductive material such as W is formed thereon". (emphasis added). As is apparent from Fig. 7 as well as Fig. 6A of Nakamoto, surfaces of the cathode 52 and the control electrodes 54 are not arranged so as to

lie in a first flat cross-sectional plane, which is parallel to a surface of the second panel having phosphors. That is, any surface of the cathodes 52 lie in a different plane of any surface of the control electrodes 54 which would be parallel to a surface of the second panel 61 having phosphors. As such, applicants submit that claim 1, as amended, also patentably distinguishes over Nakamoto in the sense of 35 USC 102 and 35 USC 103, and claim 1 and the dependent claims patentably distinguish thereover. Accordingly, applicants submit that claim 1 and the dependent claims should be considered allowable with respect to Nakamoto.

As to the combination of Nakamoto with Murata et al, since neither Nakamoto nor Murata et al disclose the recited features of independent claim 1, it is readily apparent that the combination cannot provide the features of claim 1 and therewith the dependent claims. As such, applicants submit that all claims patentably distinguish over this proposed combination of references in the sense of 35 USC 103 and should be considered allowable thereover.

In view of the above amendments and remarks, applicants submit that all claims present in this application should now be in condition for allowance and in light of the amendment of the title and submission of replacement drawings, the drawing objection should be overcome and this application should now be in condition for allowance. Accordingly, issuance of an action of favorable nature is courteously solicited.

Also, submitted herewith is an Information Disclosure Statement under 37 CFR 1.56 submitting copies of the documents listed and discussed at pages 1 - 4 of the specification of this application and referred to as Patent Literature 1 - 3. Consideration of such documents is respectfully requested.

To the extent necessary, applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in the fees due in connection with the filing of this paper, including extension of time fees, to the deposit account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Case: 501.43527X00), and please credit any excess fees to such deposit account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP



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Amendments to the Drawings:

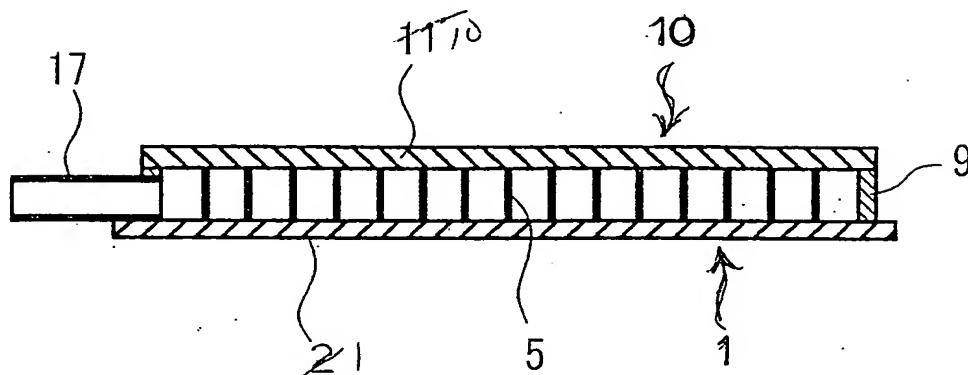
The attached sheets of drawings include changes to Figs. 6 and 20. These sheets, which includes Figs. 6-7 and Figs. 18-20, replace the original sheets including Figs. 6-7 and Figs. 18-20. Fig. 20 has been amended to show that reference character 8 is directed to a different structural element and Fig. 6 has been amended to correct reference characters.

Attachment: Replacement Sheets

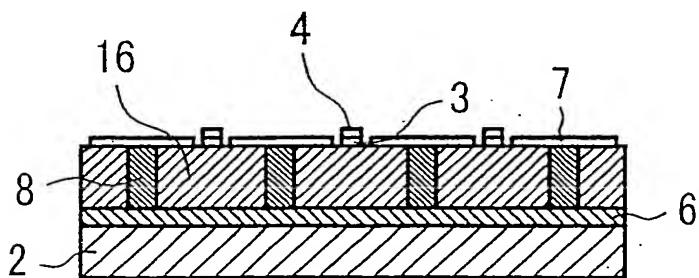
Annotated Sheet Showing Changes



*FIG. 6*

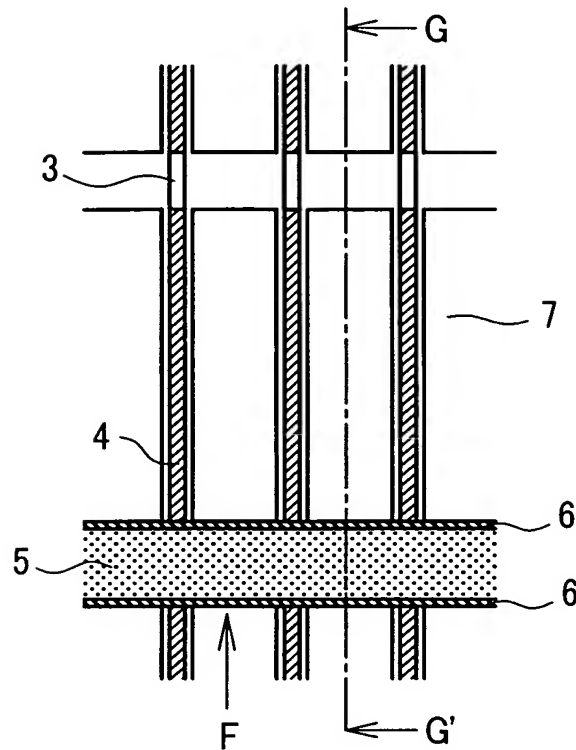


*FIG. 7*

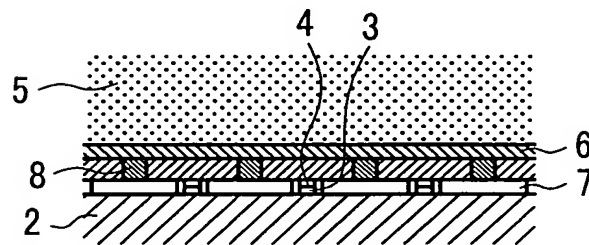




*FIG. 18*



*FIG. 19*



*FIG. 20*

